



**DISSENTING OPINION OF MONIQUE F. KUESTER:**

I respectfully dissent from the decision of the Employment Appeal Board; I would reverse the decision of the administrative law judge in its entirety. The Claimant admitted that he was aware that he had made multiple mistakes. Based on the fact that he had a prior correction notice and his admission of making numerous errors, I find ample evidence in this record to support that he failed to perform his job duties. As such, I would conclude that misconduct was established and benefits should be denied.

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Monique F. Kuester

A portion of the Employer's appeal to the Employment Appeal Board consisted of additional evidence which was not contained in the administrative file and which was not submitted to the administrative law judge. While the appeal and additional evidence were reviewed, the Employment Appeal Board, in its discretion, finds that the admission of the additional evidence is not warranted in reaching today's decision.

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John A. Peno

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Monique F. Kuester

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Cloyd (Robby) Robinson

AMG/fnv